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ORDINANCE NO. 268

AN ORDINANCE OF THE CITY OF LODI REGULATING THE OPERATION OF AUTOMOBILES FOR HIRE AND TAXICABS WITHIN THE CITY OF LODI.

The Council of the City of Lodi does ordain as follows:

Section 1. For the purposes of this ordinance, the following terms shall have the meanings respectively set forth in this section:

The term "AUTOMOBILE FOR HIRE" as used in this ordinance, shall include every automobile or motor propelled vehicle by means of which passengers are transported for hire upon any public street in the City of Lodi, and not over a regular or defined route and irrespective of whether the operations extend beyond the boundary limits of said city or not, excepting vehicles embraced within the term "taxicab" and excepting vehicles of transportation companies as herein defined,

The term "TAXICAB" as herein used in this ordinance shall include every automobile or motor propelled vehicle by means of which passengers are transported for hire upon any public street in the City of Lodi, and not over a regular or defined route and irrespective of whether the operations extend beyond the boundary limits of said city or not where charge for such transportation is measured by the distance travelled, or by the time required for such transportation, or both, excepting vehicles of transportation companies as herein defined,

The term "TRANSPORTATION COMPANIES" as used in this ordinance shall be synonymous with the phrase "Transporting company" as defined in that certain act of the legislature of the State of California, approved May 10, 1917, providing for the supervision and regulation of the transportation of persons and property for compensation over public highways by automobiles, jitney busses, auto trucks, stages and auto stages, and all amendments to said act,

Section 2, It shall be unlawful to operate, or cause to be operated, an automobile for hire, or a taxicab upon any public street within the City of Lodi, without first having obtained a permit so to do in accordance with the provisions hereof, and without complying or having complied with all the provisions of this ordinance.

Section 3. Any person desiring to obtain the permit required by Section 2 of this ordinance, shall pay a fee of \$10.00 to the City Clerk, and shall make application for said permit to the City Council, which said application shall set forth:

(a) The name and address of the applicant, and if the same be a corporation, the names of its principal officers, or if the same be a partnership, association, or fictitious company, the names of the partners or persons comprising the association or company, with the address of each.

(b) A statement as to whether the permit is desired for an automobile for hire, or a taxicab.

(c) A description of every motor vehicle which the applicant proposes to use, giving:

- (1) Trade Name
- (2) Motor and Serial Number
- (3) State License Number
- (4) Seating Capacity
- (5) Body Style

(d) The street number and exact location of the place or places where the applicant proposes to stand each such automobile.

(e) Proposed schedule of rates or fares to be charged for carrying passengers in such automobile.

(f) The distinctive color scheme, name, monogram, or insignia which shall be used on such automobile.

(g) As mended by Ordinance No. 360: If any proposed taxi stand is in a public street of said city, application to maintain the same shall be in writing, filed with the City Clerk of said city, who shall set the same to be heard at a meeting of the City Council and who shall give notice of such hearing by causing notice thereof to be published in the newspaper designated for the publication of official publications of said city, at least ten days before the date of said hearing. Such written application shall be accompanied by fee of \$5.00 to be paid to the City by the applicant. At the said hearing the City Council shall publicly hear all persons desiring to consent or object to such application, and shall grant or deny such application in the discretion of the said city Council,

The holder of any permit to maintain any such taxi stand shall pay to the City such rental therefor as the City Council may from time to time fix by resolution or ordinance.

Section 4. Upon the receipt of any application referred to in Section 3 hereof, the City Clerk shall set a time, not less than ten (10) nor more than thirty (30) days thereafter, for the hearing of the said application before the City Council, and shall give notice of the time so set, at least five (5) days before the date of said hearing, to the applicant, and to any other permit-holder hereunder at the address set out in such application (and by publication if directed by the Council).

At the time set for the hearing of such application, the Council may examine the applicant and all persons interested in the matter set forth in said application, and shall determine whether or not the public interest, convenience and necessity require the issuance of the permit applied for, and if it be found by the Council that the public interest, convenience and necessity require the issuance of the permit applied for, it shall by resolution order the City Clerk to issue a permit in accordance with said application, subject to the filing and approval of an undertaking as hereinafter in Section 5 provided,

The following reasons shall be sufficient for denial of said permit:

(a) That the application is not in the form and does not contain the information required to be contained therein by this ordinance.

(b) That the vehicle or vehicles described therein are inadequate or unsafe for the purposes for which they are to be used,

(c) That the color scheme, name, monogram, or insignia to be used upon such automobile, shall be in conflict with or imitate any color scheme, name, monogram or insignia used by any person, firm or corporation, in such manner as to be misleading or tend to deceive or defraud the public.

(d) That the location of the stand, as therein stated, is such as to congest or interfere with travel on any public street, or that the proposed stand is within 300 feet of any other stand theretofore fixed by the Council of the City of Lodi on the same street.

(e) That the applicant has, at some prior time, had a permit for the operation of automobile for hire, or taxicab revoked for reason.

(f) That it shall appear to the Council that there are a sufficient number of taxicabs and automobiles for hire in the City of Lodi, to fully serve the public, and that the granting of more permits would unduly congest the traffic and interfere with the free use of the public streets by the public, and that the public interest, convenience and necessity, do not require the issuance of such a permit.

**Section 5.** Before a permit shall be issued by the City Clerk, the applicant to whom a permit shall have been awarded by the Council as aforesaid, shall deliver to the Council, a policy of insurance, executed by a company duly authorized under the laws of the State of California to do an insurance business by the provisions of which policy the said company promises and undertakes to pay in full all claims for damages to persons or property resulting from the operation of the automobile or automobiles referred to in said application, provided, that the maximum amount for which liability shall be assumed for injury to or death of one person in any one accident shall be \$10,000.00, and for injury to or death of more than one person in any one accident shall be \$20,000.00, and the maximum amount for which liability shall be assumed for injury to or destruction of property in any one accident shall be \$5,000.00.

**Section 6.** The following rules and regulations shall be observed by all persons operating taxicabs or automobile for hire, and it shall be unlawful to operate such taxicab or automobile for hire in violation of any of the following rules:

(a) Any person operating a taxicab shall wear a distinctive hat or cap with a badge in plain sight inscribed with the name of the person to whom the permit has been issued. This section shall not apply to an individual to whom a permit has been issued when driving his own car.

(b) All taxicabs and automobiles for hire shall, while carrying passengers, come to a full stop within thirty (30) feet of the nearest rail before crossing any railroad track where no gates are maintained,

(c) That no automobile for hire or taxicab shall remain standing upon any portion of any public street within said city except for loading and unloading passengers, and then not for a period of more than five minutes, excepting such stand as may be designated by the Council and described in the application for permit. This section shall not apply to any automobile for hire or taxicab while the same is engaged by and being paid for by a passenger.

(d) That no operator or owner of any automobile for hire or taxicab shall solicit or take on or carry any passenger or passengers after such automobile for hire or taxicab shall have been engaged or while in use for another passenger, without the consent of the passenger first engaging the same, having been first obtained. A passenger or passengers engaging such automobile shall have the exclusive right to full and free use of the passenger compartment and the whole thereof if he desires the same.

(e) The operator of any taxicab shall carry any passenger engaging the same safely and expeditiously to his destination by the most direct and accessible route,

(f) No owner or Operator of any automobile for hire or taxicab shall solicit patronage for the same from the vehicle or within 100 yards therefrom, upon any public street, save and except at railroad and interurban depots and within the boundaries of the space to be designated by the Chief of Police for such purpose.

(g) All automobiles for hire and taxicabs shall be kept in good mechanical condition.

(h) No taxicab or automobile for hire shall be operated by any person under the age of 21 years, or by any person who does not have a chauffeur's license issued by the State of California, or by any person under the influence of intoxicating liquors, or by any person while using tobacco in any form, or who is for any reason whatever unable or incompetent to safely handle such automobile, or by any person in violation of any law or ordinance now in force or that may be hereafter enacted.

(i) No owner or operator of any automobile for hire or taxicab shall indulge in unfair competition with competitors or shall commit any fraud upon the public or other persons engaged in the same business, and the Council shall be the sole judge of what constitutes fraud or unfair competition under the provisions of this section, Any complaints to the Council of violation of this section shall only be heard upon written complaint specifying the act complained of and sworn to be the complainant before a notary public or other officer authorized to administer oaths.

(j) Every taxicab shall have posted in the passenger's compartment, a schedule of rates and charges for the hire of said vehicle, and a copy of Section 6 of this ordinance.

(k) Every automobile for hire and taxicab shall be equipped with a light of not less than 2 candlepower within such vehicle, so arranged as to illuminate the whole of the passenger compartment, which light shall be constantly lighted at all times while any passenger is in such vehicle (except when the same is in motion) from one half-hour after sunset of any day until one-half hour before sunrise of the next day, and no shades or blinds shall be drawn over the windows of an automobile for hire or taxicab while any passenger is in such vehicle.

(l) No charge shall be made by any operator or owner or taxicab or automobile for hire in excess of the rates posted in the passenger compartment of said car and approved by the Council,

(m) No automobile for hire or taxicab shall be operated unless the passenger compartment be kept clean and in sanitary condition.

(n) No automobile for hire shall be designated as a "Taxi" or "taxicab", or by any word or phrase using the words "taxi" or "taxicab" in any sign or advertising matter,

Section 7. Any permit granted under the provisions of this ordinance may be revoked by the Council either as a whole or as to any car or cars described therein, or as to the right to use any distinctive color, monogram or insignia, after thirty (30) days' notice to the permit-holder, requiring him to appear at a certain time and place to show cause why said permit should not be revoked for any of the following reasons:

(a) That the undertaking provided for in Section 5 of this ordinance has not been given or has been withdrawn or lapsed for non-payment of premium, or is not in force for any reason.,

(b) For the non-payment for any license fee provided by ordinance of the City of Lodi.

(c) For failure to observe any of the rules and regulations or provisions set out in this ordinance.

(d) For the violation of any of the Laws of the State of California or ordinances of the City of Lodi, by the permit-holder, operator or driver of an automobile for hire or taxicab.

(e) For failure to maintain satisfactory service to the public by means of any of the vehicles described in the permit or for failure to keep any <sup>car</sup> described in the permit in use for a reasonable length of time, or for failure to use the distinctive color, monogram or insignia described in the application,

(f) For any cause which in the opinion of the Council makes it contrary to the public interest, convenience and necessity for the permit to be continued,

Section 8. In the event that any permit-holder desires to change his schedule of rates and charges or the color scheme, name, monogram or insignia used on such automobile for hire or taxicab, or to substitute any vehicle for and in place of the vehicle or vehicles described in the application for permit, or to increase or decrease the number of vehicles used by him as automobile for hire or taxicab, he shall make application for permission to do so to the Council, which permission shall be granted, if in the discretion of the Council, it deems the public interest, necessity and convenience will be subserved by such change, and if the permit-holder has complied with all provisions of this ordinance.

Section 9. It shall be unlawful for any person to refuse to pay the legal fare for the hire of any automobile for hire or taxicab, after having hired the same, with the intent to defraud the person from whom it is hired,

Section 10. All permits for automobiles for hire or taxicabs in the City of Lodi shall be automatically revoked 60 days after the ordinance takes effect, but any person owning such permit shall be entitled to a new permit under the terms of this ordinance, providing application is made therefor under the terms of this ordinance within 30 days after the same takes effect, and providing said applicant complies with the terms thereof; and no fee shall be required to be paid with such application made by the present owner of a permit,

Section 11. No person shall be entitled to hold more than one permit at a time, either as individual, member of co-partnership, stockholder or officer of a corporation, or under fictitious name, or otherwise,

No permit issued under the terms of this ordinance shall be transferable either by contract or operation of law without the permission of the Council having been first obtained, and any such attempted transfer shall be sufficient cause for revocation thereof.

Section 12. All ordinances or parts of ordinances inconsistent or in conflict herewith shall be, and the same are hereby repealed,

Section 13. Should any phrase, clause, section or portion of this ordinance be declared unconstitutional, the same shall not affect the remainder of this ordinance, and the Council hereby declares that it would have passed the remainder of this ordinance irrespective of whether or not the part so declared to be unconstitutional was contained therein or not.

Section 14. Any person, firm or corporation violating any provision of this ordinance shall be guilty of misdemeanor, and upon the conviction thereof shall be punishable by a fine of not more than \$300.00 or by imprisonment for a period of not more than 90 days or both such fine and imprisonment, and upon conviction the permit issued to any such person, firm or corporation shall be revoked.

Section 15. The City Clark shall certify to the adoption of this ordinance and cause the same to be published in LODI TIMES, a daily newspaper of general circulation, printed, published and circulated in said city.

Approved this 19th day of June, 1940.

G. M. STEELE  
Mayor of the City of Lodi

Attest: J. F. BLAKELY  
City Clerk